

R E M A R K S

Applicant has carefully considered the above identified Office Action, and in response thereto is addressing each issue raised by the examiner in the remarks hereinbelow. In this regard, applicant is amending claim 1.

Claim Rejection 35 USC 102(b)

Applicant has amended claim 1 by further defining the first and second pivoting members as pivoting in a horizontal plane and being solely proximate to the seat frame. The Juergens '959 patent does not teach or suggest pivoting members pivoting in a horizontal plane. The Juergens patent teaches elongated links pivoting in a vertical plane and that do not have clearance with a toilet. The first and second pivoting members being solely proximate to the seat frame allows thereof to both clear the toilet. All claims dependent upon a newly allowable claim are also allowable.

Applicant respectfully disagrees with examiner concerning the rejection of claim 5. The Jurgens patent does not teach or suggest pivoting first and second seat panels or being able to adjust the height of the first and second seat panels. Jurgens merely teaches a stationary cushion. Examiner must provide a prior art reference that discloses all the limitations or elements of the claim according to the case of Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. . . . There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

Therefore, applicant requests that examiner remove the 102 rejection of claims 5 and 12. All claims dependent upon a newly allowable claim are also allowable.

Applicant respectfully disagrees with examiner concerning the rejection of claim 10. The Jensen patent does not teach or suggest using a turnbuckle to adjust a rear height of the seat panel. Examiner must provide a prior art reference that discloses all the limitations or elements of the claim according to the base of Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). All claims dependent upon a newly allowable claim are also allowable.

Claim Rejection 35 USC 103(a)

Applicant respectfully disagrees with examiner concerning the rejection of claims 10 and 16. Concerning claim 10, the combination of the Jensen '867 patent and the Juergens patent do not teach or suggest a turnbuckle that may be adjusted to vary a rear height of the seat panel. The Jensen patent teaches a linkage 70 that lifts and lowers the seat panel without adjustability for a rear height of the seat panel in a support position.

Concerning claim 16, the combination of the Jensen '867 patent and the Juergens patent do not teach or suggest a first

seat, a center seat panel and a second seat panel that are pivotally connected to a seat frame and have adjustable heights. The Jensen and Juergens patents teach a pivotal center seat panel, but do not teach or suggest the pivotal first and second seat panels with an adjustable height. All claims dependent on a newly allowable claim are made allowable.

Allowable Subject Matter

Applicant agrees with examiner that claims 6, 13 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

C O N C L U S I O N

It is respectfully submitted that applicant has responded in a fully satisfactory manner to all matters at issue in this application, and this application is now in condition for allowance. In this regard, applicant has made every effort to comply with the requirements set forth in this Office Action as well as statutory requirements. Accordingly, applicant respectfully requests that the Examiner enter this amendment, allow the claims, and pass this application on to issue.

Respectfully submitted,



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